

§Prob12B
(7/93)

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Robert Deschano

Case Number: 1:09-CR-383-001

Name of Sentencing Judicial Officer: Norman A. Mordue, Sr. U.S. District Judge

Date of Original Sentence: May 19, 2010

Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B)

Original Sentence: Seventy-eight (78) months; lifetime supervised release

Type of Supervision: supervised release

Date Supervision Commenced: July 29, 2014

PETITIONING THE COURT

☐ To extend the term of supervision for years, for a total term of years.

☒ To modify the conditions of supervision as follows:

Add:


The defendant shall perform Forty (40) hours of community service. The site, schedule, and conditions shall be approved by the probation officer.


CAUSE

On June 17, 2015, the offender submitted to a polygraph examination which returned as deceptive. During a post examination interview, the offender reported to U.S. Probation his possession and use of two adult pornographic videos. Subsequently, on June 17, 2015, during a home contact at the offender's residence the following items were seized as contraband: the reported pornographic DVD's; an unauthorized folding pocket knife; and an unauthorized non internet cell phone which had not been reported to U.S. Probation.

Approved by:

Respectfully submitted,


Jay P. Duncoll
Supervising U.S. Probation Officer

by 
Edward Cardinal
Senior U.S. Probation Officer

Date: 7/7/2015

THE COURT ORDERS

☐ No Action

☐ The Extension of Supervision as Noted Above

☒ The Modification of Conditions as Noted Above

☐ Other


Signature of Judicial Officer

July 9, 2015

Date

PROB 49
NNYrev.6/10



Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

1. The defendant shall perform Forty (40) hours of community service. The site, schedule, and conditions shall be approved by the probation officer.

Witness:  Signed: 
U.S. Probation Officer Supervised Releasee

6-30-15
Date